

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 620, FOOD AND DRUGS ACT.

MISBRANDING OF A BREAKFAST FOOD—"SCOTCH OATS."

On or about September 13, 1909, the Quaker Oats Company, Chicago, Ill., shipped from the State of Illinois to the State of Arkansas 158 cases of a food product, each of which said cases was labeled "Scotch Oats," and the several packages contained in each of said cases were labeled "Quaker Pure Rolled White Oats, Scotch Brand Oats, Quaker Oats Company, Chicago." Examination of samples of this product made in the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report thereon that said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Arkansas.

In due course a libel was filed in the District Court of the United States for said district against the said 158 cases of Scotch Oats, charging the above shipment and alleging the product was misbranded in that the word "Scotch" was used, when in truth and in fact the product was not Scotch, and praying seizure and condemnation of the product. Thereupon the said Quaker Oats Company entered its appearance and filed a claim to the product.

On April 23, 1910, the case came on for hearing, a jury was empaneled, and trial being had upon the issues, the jury returned a verdict in favor of the Government; whereupon it was ordered and adjudged by the court that the product be forfeited to the United States and be sold by the marshal of said district at public sale, with the proviso, however, that said marshal should deliver the product to the claimant upon payment of the costs and furnishing a bond in the sum of \$500 by said claimant, conditioned that the product should

not be sold or otherwise disposed of contrary to law. From this decision said claimant appealed by writ of error on May 6, 1910, to the United States Circuit Court of Appeals for the Eighth Circuit, which appeal was subsequently dismissed.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *September 26, 1910.*

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